

REMARKS

Applicant replies within three months to the Office Action dated July 8, 2010. Claims 1, 3, 6-17, 19-22, 25-28, 30-36 and 39 are pending in the application and the Examiner rejects claims 1, 3, 6-17, 19-22, 25-28, 30-36 and 39. Support for the amendments may be found in the originally-filed specification, claims, and figures, for example, in paragraphs 37-40 of the application. Applicant respectfully requests reconsideration of this application.

§ 103(a) Rejections

The Examiner rejects claims 1, 3, 6-16, 19-22, 26 and 39 under 35 U.S.C. 103(a) as being unpatentable over Kraml et al., U.S. Patent No. 6,141,683 (“Kraml”), in view of Aghera et al., U.S. Publication No. 2004/0098715 A1 (“Aghera”), and further in view of Kidder et al., U.S. Patent No. 6,983,362 (“Kidder”). Additionally, the Examiner rejects claims 17, 27, 28 and 31-36 under 35 U.S.C. 103(a) as being unpatentable over Kraml, in view of Aghera, in view of Kidder, and further in view of Aija et al., U.S. Patent No. 6,928,579 (“Aija”). Furthermore, the Examiner rejects claim 25 under 35 U.S.C. 103(a) as being unpatentable over Kraml, in view of Aghera, in view of Kidder, and further in view of Simionescu et al., U.S. Publication No. 2003/0084337 A1 (“Simionescu”). Moreover, the Examiner rejects claim 30 under 35 U.S.C. 103(a) as being unpatentable over Kraml, in view of Aghera, further in view of Kidder, further in view of Simionescu, and further in view of Aija. Applicant respectfully disagrees with these rejections, but amends certain claims (without prejudice or disclaimer) in order to further clarify the patentable aspects of the claims and to expedite prosecution.

The method described in Kraml includes a control center receiving an indication that the software has crashed and then determining whether the software should be rebooted or whether a different version of the software should be initiated upon a reboot (Kraml, col. 7, ln. 26-42). Likewise, Kidder discloses reverting to an old configuration and application on any error or only for particular errors (Kidder, col. 31, ln. 38-41). For example, “The SMS (Software Management System) may cause the system to revert to the old configuration and application (i.e., automatic downgrade)” (Kidder, col. 31, ln. 39-41).

However, the cited references do not disclose or contemplate, alone or in combination, ***“transferring, via RF communication, a back-up copy of said transferred software*** that is executed in response to runtime errors, wherein the runtime errors are generated by executing

said transferred software;...*automatically switching from said selected software application to a different version of said selected software application in response to a first fault, without uninstalling said selected software application; and uninstalling said selected software application and reverting back to said different version of said selected software application in response to a second fault*" as recited in amended, independent claim 1 (emphasis added), and as similarly recited in independent claims 16, 27, and 39. For at least these reasons, Applicant respectfully requests withdrawal of the rejections of independent claims 1, 16, 27, and 39.

Furthermore, dependent claims 3, 6-15, 17, 19-22, 25-26, 28 and 30-36 variously depend from independent claims 1, 16, and 27. Applicant thus asserts that dependent claims 3, 6-15, 17, 19-22, 25-26, 28 and 30-36 are differentiated from the cited references for the reasons set forth above for differentiating independent claims 1, 16, and 27, in addition to their own unique features.

In view of the above remarks, Applicant respectfully requests withdrawal of all rejections of the pending claims. The Examiner is invited to telephone the undersigned at the Examiner's convenience, if that would help further prosecution of the subject application. The Commissioner is authorized to charge any fees due to Deposit Account No. 19-2814.

Respectfully submitted,

Dated: Oct 1, 2010



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